

STALLHOLDER & STREET TRADING

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1. OBJECTIVE

- To ensure that the operation of temporary trading activities within the Shire ~~(both on Shire lands or in public places)~~ are done so in accordance with the Shire's Local Laws.
- To ensure that temporary trading activities do not jeopardise the safety of residents or the amenity of the area.

2. PRINCIPLES

2.1 Policy Provisions

This Policy has been developed to provide clarity and guidance on the preparation and assessment of stallholder applications. The Policy must take into account the provisions of the Shire of Roebourne Trading in Public Places Local Law and the National Competition Principles Agreement.

With the introduction of the *Food Act 2008* and associated legislation, all regulation of Itinerant Vendors (e.g. ice cream vans) was repealed, necessitating these businesses being considered "traders" and therefore captured by the Trading in Public Places Local Law.

This Policy will apply to all stall holders and street traders currently captured by the Shire's Local Laws relating to Trading in Public Places. Where there is discrepancy between this Policy and the Local Law, the Local Law will take precedence. [This does not include trading of pre-ordered goods and services.](#)

2.2 Application to conduct a stall or trade in a public place

Application to conduct a stall or trade in a public place shall be in the form prescribed by the Shire's Environmental Health Service and will include all details requested within the said form including:-

- The full name and address of the applicant.
- Specify the location, or locations in which the applicant wishes to conduct their business (including provision of a site plan), [as per the approved list of designated sites.](#)
- Specify the period of time that the applicant intends to conduct their business, together with the days and times of operation.
- Specify the proposed goods or services to be traded.
- For a fixed stall, the applicant is to provide a plan detailing the position of the stall in relation to the property, roadways, footpath, buildings and other structure/facility. [Selling of products out of a car boot, or other method which does not present a professional image will not be permitted.](#)
- Be accompanied by a copy of the public and product liability insurance to the minimum value of \$10,000,000. This insurance must be obtained before formal approval will be granted, and where the insurance period lapses during the proposed license period, any approval be conditional on such insurance cover being maintained.
- Where the applicant intends to employ assistants, a current copy of the business Workers Compensation Insurance.
- Where the stall is a vehicle, trailer or similar apparatus, a current copy of the Third Party Motor Vehicle Insurance.

- ~~Where the applicant intends to operate a stall or trade on land which is a public place, though is privately owned, the applicant must include a letter signed by the owner and occupier of the land granting them permission to operate a stall or trade from their land.~~
- ~~Where the applicant intends to operate a stall or trade on land which is a public place, though is owned and operated by the State (e.g. trading on land under the control of Main Roads WA), the applicant must include a letter signed by the relevant State Department granting them permission to operate a stall or trade from their land.~~

2.3 ~~Public~~ Lands on which stallholders may operate

Any stallholder who ~~wishes~~does not wish to operate their stall ~~on privately owned land or state managed lands~~ will only be permitted to conduct ~~business on land owned or managed by the Shire of Roebourne~~ at the following locations:-

- 1) ~~Lot 380 Desert Pea Blvd, Nickel (adjacent to Tambrey Centre)~~Lot 619 Balmoral Rd (rear of Kevin Richards Oval/Millars Well)
- 2) ~~Lot 619 Balmoral Rd (rear of Kevin Richards Oval/Millars Well)~~Lot 4613 Bathgate Rd (Dreamers Hill – Monday to Friday only, not public holidays or weekends)
- 3) ~~Lot 4613 Bathgate Rd (Dreamers Hill – Monday to Friday only)~~ Lot 4211 Searipple Rd, (Front area of Country Club/Camping Overflow)
- 4) ~~Lot 4211 Searipple Rd, (Front area of Country Club/Camping Overflow)~~Lot 4548 Karratha/DeWitt Road (Visitor Centre – single trader in centre of carpark)
- 5) ~~Lot 1988 Balmoral Rd (Caterall Park Carpark – when no organised sporting events are on)~~ Lot 501 Cleaverville Rd, Roebourne (Basketball Court Carpark – when no organised sporting event is on)
- 6) ~~Lot 501 Cleaverville Rd, Roebourne (Basketball Court Carpark – when no organised sporting event is on)~~ Lot 289 Miller Close, Point Samson (carpark at the front of the Community Hall)
- 7) ~~Lot 289 Miller Close, Point Samson (carpark at the front of the Community Hall)~~Wickham Community Hall Car Park (adjacent to Lot 782 Carse Street, with stall subject to approval from Rio Tinto)
- 7) ~~Lot 3525 Central Ave Dampier (Lions Park)~~

Applications to use any other Shire owned ~~or~~ managed property, or private property which is accessible to the public will not be supported and will not receive approval. This includes land within the Karratha and Gap Ridge Industrial Estates.

This provision does not apply to businesses which are not fixed and operate as itinerant vendors or similar operators who travel along the road looking for customers and who sells food from their vehicle parked temporarily on the road to customers who stop the operator or come to them while parked.

2.4 **Environmental Health and Town Planning considerations when determining an application to conduct a stall or trade in a public place**

Any application to operate a stall or to trade in a public place is to be assessed by Shire's Environmental Health Service and Town Planning Service to ensure that the business presents a minimal risk to public health and is compliant with the proper and orderly planning of the Shire.

In assessing the application, Environmental Health and Town Planning will consider:-

1. Any relevant policies of the Shire.
2. Compliance with applicable legislation, including but not limited to, Environmental Health or Town Planning.
3. Where the stall will be preparing or selling food, the ability of the stallholder to maintain good food hygiene techniques and minimise any contamination of the food products~~The desirability of the proposed activity in the location indicated by the applicant.~~
- 3.4. Where the stall will be preparing or selling food, the ability of the stallholder to retain and dispose of waste water, and retain and dispose of solid waste.

~~5. Appropriateness of the trading in that area with respect to public safety, access, carparking, visual impact and planning amenity. Where an existing stall is approved at a site, whether the site has the ability to accommodate multiple stalls (ie impingement on carparking etc.).~~

~~4.~~

~~6. Where the stall will be preparing or selling food, the ability of the stallholder to maintain good food hygiene techniques and minimise any contamination of the food products.~~

~~5. The principles set out in the Competition Principles Agreement.~~

~~6. Where the stall will be preparing or selling food, the ability of the stallholder to retain and dispose of waste water, and retain and dispose of solid waste.~~

~~7. Where an existing stall is approved at a site, whether the site has the ability to accommodate multiple stalls (ie impingement on carparking etc.).~~

~~8. The principles set out in the Competition Principles Agreement.~~

~~9.7.~~ Any other matters that the Shire considers relevant to the application.

2.5 Areas where conducting a stall or trading in a public place is not permitted

Unless formal approval has been granted by the ~~Council of the~~ Shire of Roebourne to utilise an approved site as listed in this policy, conducting a stall or trading in a public place is not permitted.

This will include within the following area:-

~~1. The Karratha City Centre, being the area bound by Searipple Road, Dampier Hwy and Balmoral Road (refer to attached map).~~

~~1. Either on or adjacent to the Karratha Tavern, Bond Place, Pegs Creek~~

~~4.2. Either on or adjacent to Caltex Service Station, Bathgate Road, Nickol~~

Trading in these areas is prohibited as these are high traffic areas; whereby temporary trading may create both traffic and pedestrian safety issues. Provision of either a fixed stall or mobile vehicle will negatively impact on the availability of car parking in this area, therefore detracting from the proper and orderly planning of the City Centre.

Exemptions:-

- Existing legal business placing stalls on public land adjacent to their premises provided that adequate access is afforded to pedestrians and public safety is maintained to the satisfaction of the Shire.
- ~~Traders and Stallholders operating a stall at the Shell Service Station (Corner Searipple and Welcome Roads), where permission to trade has been granted by the management of Shell Service Station. Application and approval must still be sought from the Shire of Roebourne. Only one stall holder is permitted to operate at this site at any one time.~~
- Community groups conducting car washes where they have the premises owner permission, and the safety of persons involved in the stall and traffic flow is not ~~jeopardised~~ jeopardised.
- Community groups operating a Market Day or Swap Meet will be exempt provided that they have the land-owners permission and the operation of the Market Day or Swap Meet is seen as a benefit to the community.

2.6 Conducting a stall or trading at a public event

Trading at a public event (e.g. FeNaCING festival, outdoor movies, night markets etc.) will only be approved where the applicant has received written permission from the organiser of the event. For the purposes of events arranged by the Shire's Community Services Division, approval must be granted by a Community Services Officer.

For larger community events such as the FeNaCING festival, the event organiser may apply for a permit on behalf of all the stalls that are at the event and also provide public liability insurance for all stalls taking part in the event. If the event organiser is not providing public and product liability

for all stalls partaking in the event, then each stall is to submit proof of its own public liability insurance prior to an approval being granted.

Irrespective of the above, each stall operator is to provide the Shire with a current copy of their workers compensation and third party insurance if applicable.

2.7 Grounds on which an application may be refused

An application submitted to the Shire of Roebourne may be refused where one or more of the following applies:-

1. The applicant is not deemed a fit and proper person to hold a trading permit. An applicant will be deemed not a fit and proper person where they have committed a breach of the Shire's Local Laws, or any other legislation pertinent to the conduct of their business.
2. The applicant intends to trade in an area where conducting a stall or trading is not permitted.
3. The conduct of a stall or trading may potentially result traffic and pedestrian safety being compromised.
4. The conduct of a stall does not conform with the proper and orderly planning of the area.
5. Any other ground that the Council of the Shire of Roebourne deems relevant to the application.

3. CONSEQUENCES

This policy represents the formal policy and expected standards of the Shire. Appropriate approvals need to be obtained prior to any deviation from the policy. It is imperative that Councillors and Officers retain appropriate documentation to substantiate their expenditure. Elected Members and Employees are reminded of their obligations under the Shire's Code of Conduct ~~2011~~ to give full effect to the lawful policies, decisions and practices of the Shire.

4. ROLES AND RESPONSIBILITIES

All staff approving stall holder and trading permits are to be aware of this policy and apply the provisions of the policy to all new or amended applications.

5. REFERENCES TO RELATED DOCUMENTS

- *Health Act 1911* and subsidiary legislation
- Shire of Roebourne Trading in Public Places Local Law
- *Food Act 2008* and subsidiary legislation
- *Local Government Act 1995* and subsidiary legislation
- Shire of Roebourne No. 8 Town Planning Scheme
- Local Planning Policy DP1 Crane Circle Development Requirements
- Local Planning Policy DP 8 Roebourne and Wickham Mixed Business Zone
- Local Planning Policy DP13 Tourism Zone Development Requirements
- Local Planning Policy DP14 Point Samson Development Requirements

Policy Number:	DE-3
Previous Policy Number:	DE-3
Resolution Numbers:	15125, 152495
Last Review:	May 2013
Next Review:	May 2014 June 2016
Responsible Officer:	Manager Regulatory Services

This Policy takes effect from the date of adoption by Council and shall remain valid until it is amended or deleted.